

REMARKS

Claims 22-42 are pending in the instant application. By the above amendment, claims 1-21 are cancelled. Claims 22-42 are presented and correspond to claims 1-21 as originally filed. No new matter has been added by the amendment.

At the outset, Applicants gratefully acknowledge the courtesy of the Examiner in conducting a personal interview with Applicants' undersigned representative. That interview was held Thursday 08 December 2005, and an interview summary prepared by the Examiner has been made of record. As noted in the interview summary, agreement was reached that the claimed features are fully supported by disclosure filed at least as early as 23 July 1996, in Application Serial No. 08/685,262, now issued as U.S. Patent No. 6,125,852 (See, patent Col. 12, lines 17-62). That priority filing antedates the Gordon reference, which is attributed a publication date of 1997. Accordingly, any rejection based upon Gordon would be withdrawn.

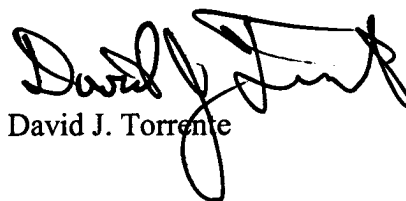
Therefore, the rejection based upon Gordon (Too Big a Heart, internet 1997) has been obviated. In a previous Office Action mailed 25 January 2005, claims 1 and 6-9 were rejected over Gordon, and subsequently cancelled by amendment and allowable dependent claims amended into independent form, in order to expedite allowance of then undisputed claims. In light of the Examiner's withdrawal of Gordon, and to simplify the record, claims 1-21 are cancelled, and the subject matter of claims 1-21 as originally filed, including 1 and 6-9, are represented above as claims 22-42.

Additionally, the most recent Office Action alleges that the terminal disclaimer fee accompanying the terminal disclaimer filed 29 October 2004 has not been paid, rendering the terminal disclaimer without effect. Attached to this response as Exhibit A is a copy of a return postcard, date stamped 27 July 2005 in the USPTO, acknowledging receipt of a check in the

amount of \$130 for the Terminal Disclaimer previously submitted. Also attached to this response as Exhibit B is a copy of the front and back of cancelled check No. 38401, in the amount of \$130, the very same check. Therefore, Applicants respectfully submit that the fee for the Terminal Disclaimer in question has been paid, and kindly requests entry of the same into the record. Therefore, Applicants respectfully submit that the standing rejection on the grounds of obviousness-type double patenting has been obviated, and kindly requests favorable reconsideration and withdrawal.

In light of the foregoing, Applicants respectfully submit that all claims recite patentable subject matter, and kindly solicits an early and favorable indication of allowability. If the Examiner has any reservation in allowing all claims and believes that a further interview would advance prosecution, he is kindly requested to telephone the undersigned at his earliest convenience.

Respectfully Submitted

A handwritten signature in black ink, appearing to read "David J. Torrente", written over the printed name.

David J. Torrente

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